

## Frequently Asked Questions

### New Waste Reduction Goal Rule

1. Why have the “Best Management Practices” referenced in the proposed waste reduction rule not been created already?
  - TDEC recognized that the rules would change over the course of the rule making process. For this reason, the development of “Best Management Practices” would be premature. Furthermore, the passage and enactment of the rule package itself is what gives TDEC authority to develop the Best Management Practices guidance documents.
2. Will this rule allow the use of C&D material as Alternative Daily Cover?
  - Yes. However, permitting of any Alternative Daily Cover is covered in other sections of the Solid Waste Regulations, CHAPTER 1200-1-7 and must be approved by TDEC on a case by case basis. Construction and Demolition materials have been processed in Tennessee and turned into an Alternative Daily Cover material; however, each of these instances has been treated with careful oversight and review prior to approval. A Class I landfill cannot simply take raw, unprocessed C&D material and use it as cover and claim it as recycling.
3. What is the difference between the **qualitative** and the **quantitative** goal?
  - The quantitative goal is simply the numerical 20% goal calculated using the formula in the rule comparing waste generated to recycled material. The qualitative goal applies to smaller counties of populations below 25,000 and cities with populations less than 20,000. This goal is non-numerical. It assesses the quality of solid waste/recycling services provided, proximity and availability of recycling and waste reduction opportunities, outreach and education activities in the local community.
4. Who is responsible for meeting the quantitative goal?
  - Any county with a gross population of 25,000 or more based on latest census data and any municipality with a population of 20,000 or more. At a county level, the quantitative goal will cover over 90% of the population of the state and 95% of the Class I disposal.
5. Why is Class III disposal no longer counted as diversion?
  - The Waste Reduction Task Force unanimously agreed that waste diverted into one landfill from another should not be counted toward the waste reduction goal as it is still “landfilling.” Tennessee is the only state the department has identified that recognizes landfilled material in Class III and Class IV landfills as diversion. The department understands this change will affect the numerical reduction published by regions; however, this is inconsequential as the entire method of goal calculation is changed under this proposed rule package.
6. Why is the goal percentage set at 20%? Isn’t this less than the original 25% goal?
  - The new 20% goal measures only those waste streams that the local governments have control over and is a true “recycling rate”.
  - The current 25% waste reduction and diversion goal counted many things in a variety of different ways. First, it counts the entire Class I disposal total of the solid waste planning region. Then, it counts as a goal percentage: Class III/IV landfilling, all industrial and commercial recycling reported, and all private recycling reported. It also counts

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many types of large scale “pre-consumer” recycling efforts creating, in many cases, inflated diversion percentages. An additional methodology within the current waste reduction and diversion goal relies upon 1995 base year disposal numbers, many of which were estimated.

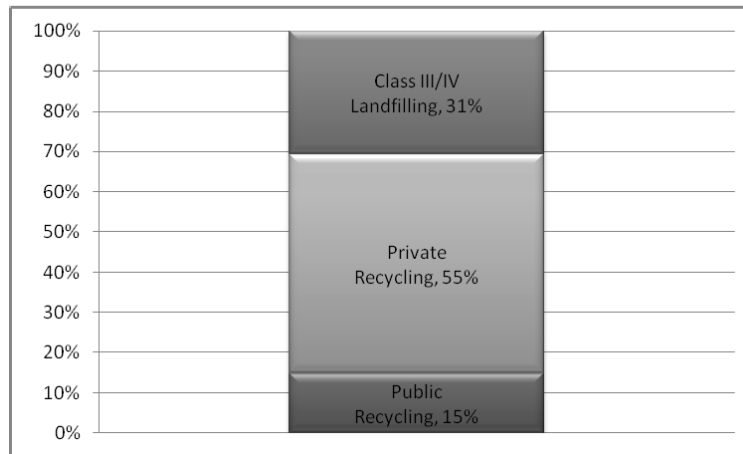
- Based on these different calculations, a 20% goal will be obtainable, yet challenging.
7. What is the benefit of Enterprise funds over Special Revenue funds?
- Enterprise fund accounting requires fees for service to be generated that equal costs of operation and maintenance of the service. This allows local governments to know the true costs of the operation, allows for standard performance measure against other utilities, and allows equal comparison of contracted costs for service or other financial decisions. Special Revenue funds allow an appropriation from the local governments General Fund to provide for operating costs.
8. What happened to the landfill bans that were in the earlier drafts of the rule change?
- The landfill bans recommended to the Department by the Waste Reduction Task Force and Solid Waste Advisory Committee met with great opposition early in the rule making process. At the request of the Solid Waste Disposal Control Board, the Solid Waste Advisory Committee was reconvened to reconsider the concepts in the draft waste reduction rules to take into consideration the poor economic conditions. As a result, the Solid Waste Advisory Committee recommended that the bans be removed.
9. Why doesn't the proposed rule tell local governments in more detail what to do to achieve the new goal?
- The rule package establishes a “waste reduction and recycling goal” the state, regions, counties, and cities are to obtain. The proposed rule does not dictate how or what must be done in order to achieve this goal. The goal allows each local government to make their own determination of programs and infrastructure needed to achieve the goal. Local governments are encouraged to maximize the use of existing infrastructure and tools and then build from that if they fall short of meeting the goal. Local governments should conduct systematic reviews of their accomplishments and expand programs with the overall goal being to decrease Tennessee's dependencies on landfills.
10. This rule only measures “recycling”; why does it not take into account reduction and reuse?
- In the past, the Annual Progress report, took into account reduction and re-use activities. Rarely was any defensible amount of material received in this survey. The new goal's measurement system is more precise without loopholes. A standard recycling rate was chosen. It has been argued that if a community decreases solid waste through reuse and reduction, they would be penalized by the new goal measurement. The Department disagrees with this assertion. The decrease would reflect positively in the calculation toward the new goal.
11. My community has several businesses that have great recycling programs, why is that effort not counted as part of the 20% recycling goal?
- Too many regions, under the current waste reduction and diversion measurement system, were able to show a 25% + diversion rate without hosting any waste diversion

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efforts on their own, simply by playing host to a number of large industries that had in-house pre-consumer recycling efforts in their manufacturing process. The below chart shows the large percentage of diversion that was from these sources.

Percentage of Total 2006 Diversion by Weight



12. If this proposed waste reduction rule does not count business waste, do they have no responsibilities to reduce?
- Businesses tend to observe the waste disposal options that best fit their bottom line (net profits). Waste reduction is almost always more cost effective than the landfilling of valuable commodities. The proposed rule package authorizes a method of surveying businesses on a reoccurring basis (in years ending in 0 and 5) to identify obstacles they are incurring towards waste reduction. Businesses not participating in recycling and waste reduction activities would ultimately affect the local governments overall goal achievement if those waste streams are collected and managed by the local government. TDEC continues to contract with the University of Tennessee, Center for Industrial Services, to assist businesses in waste reduction through individual waste audits.
13. Why has the 4-Tier Table been removed from the proposed rule package?
- After the public comment period ended and based on comments received, the 4-Tier Table was removed and will be moved into a guidance document. Most comments were that the 4-Tier table was too specific and inflexible. Also, having the 4-Tier table in the rule would make it difficult to alter and edit as situations change.
14. Does the waste-to-energy language in the proposed rule mean incineration will be counted as recycling?
- Air curtain destructors and pit burners will not be counted at all and will be neutral to recycling and disposal. If the waste material enters an approved waste to energy facility, then the amount of material by weight that is reduced may be considered

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towards the 20% recycling goal. At the present time, the department has not identified any facilities operating in the state that would fit these criteria.

15. What happens if my community fails to meet the 20% recycling goal?
  - If a city or county subject to the 20% recycling goal fails to meet the goal (quantitatively), they will be subject to a “qualitative” review to assess the overall quality of programs and systems in place and what specific conditions contributed to the overall inability to meet the recycling goal. TDEC will make recommendations for changes, modifications or establishment of programs to assist the local government in achieving the goal in future years. The levels of qualitative review will be determined by how far away from the goal the community was. A community that achieved a 0% recycling goal will be treated much differently than one with a recycling goal of 19%.
16. Is this proposed rule package an unfunded mandate?
  - Most of the infrastructure needed to meet the 20% recycling goal is already in place, and local governments only need to maximize the use of this existing infrastructure through better programs and system layout/design. Since the Solid Waste Act of 1991 was enacted, Regions have been working toward achieving a 25% waste reduction and diversion goal. Recycling and waste diversions systems are in place in almost every county and most residents have access to recycling programs locally. The proposed waste reduction rule dictates no specific new programs to fund or equipment to buy. Grants and other funding will continue to be provided.
17. What happens to cities with populations less than 20,000 and counties with less than 25,000 people since they don’t have to meet the 20% recycling goal?
  - Local governments with less population than the stated goal threshold will be subject to a qualitative recycling goal to ensure that the citizens have reasonable access to waste reduction opportunities, that collection assurance is in place, and that an appropriate level of waste reduction planning has been instituted. Only 9% of the population of Tennessee at the county level will not be under the numerical 20% recycling goal. The proposed rule is designed to focus the most attention to those more densely populated regions where the majority of Tennessee’s waste is generated.
18. I cannot get accurate tonnages of waste from my disposal collectors or recyclers to report to the state. How do I report accurate information?
  - TDEC recognizes that precise measurement of solid waste at any level is very difficult. After promulgation of the proposed rule, TDEC will continue to research and develop better methods to collect accurate solid waste data. TDEC will begin accessing quarterly solid waste origin reports on Class III/IV landfills and transfer stations. TDEC is also committed to individually working with each local government to help them collect data. Elimination of annual business recycling reporting will result in less reporting by local governments allowing them to better concentrate on accuracy of information provided.
19. Does my region need to recreate our 10-Yr Solid Waste Plan? This was initially very expensive to do and required hiring an outside consultant.

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- A full re-write of the 10-year regional solid waste plan will not be required at this time. Each covered local government will need a one-time plan update which will be achieved through a special addendum to the Annual Progress Report.
20. Does the county approve my city's Solid Waste Plan?
- No, the municipal solid waste planning region, of which your city is currently a part, will approve the Solid Waste Plan. Each Region is required to have representation for each municipality and county in accordance with the Solid Waste Management Act of 1991.
21. When will this rule take effect?
- The efforts towards the goal will start at the beginning of the next calendar year after rule passage. Once the rule is fully promulgated will be in effect ninety days after filing with the Secretary of State's office.
22. How will this change the Annual Progress Report?
- The Annual Progress Report will change to accommodate the new goal; however, the overall concept of the Annual Progress Report will be the same. The recycling reports will be more specific for covered local governments that fall under the 20% recycling goal. Municipalities would be expected to report tonnages of controlled disposal and recycling.